

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND ANNIN,

No. C 06-07273 SBA (PR)

Petitioner,

**ORDER DIRECTING PETITIONER TO
FILE AN AMENDED PETITION**

v.

BOB HOREL, Warden,

Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On March 30, 2009, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his administrative remedies. The Court also stated:

Nothing further will take place in this action until Petitioner receives a final decision from the California Supreme Court and, within **thirty (30) days** of doing so, moves to reopen the action, lift the Court's stay and amend the stayed petition to add the newly-exhausted claims.

(Mar. 30, 2009 Order at 6.)

On April 30, 2010, Petitioner informed the Court that his state proceedings had concluded; however, he did not amend the stayed petition to add the newly-exhausted claims. Therefore, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court, as directed below.

CONCLUSION

1. No later than **thirty (30) days** of the date of this Order, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court. The Court will lift the stay on the date that Petitioner files his amended petition. Petitioner must submit the amended petition on the attached blank habeas petition form, clearly label the petition as the "Amended Petition," and write in the case number for this action on the form. He should also attach to his amended petition a copy of his petition to the California Supreme Court, if

1 the document is available to him. **If Petitioner fails to file an amended petition within the**
2 **prescribed period, the Court will dismiss this action without prejudice for failure to prosecute.**

3 2. The Clerk of the Court shall send Petitioner a blank § 2254 habeas petition form.

4 IT IS SO ORDERED.

5 DATED: 5/10/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RAYMOND ANNIN,
5
6 Plaintiff,

Case Number: CV06-07273 SBA

7 v.

CERTIFICATE OF SERVICE

8 BOB HOREL et al,
9
10 Defendant.

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on May 12, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
16 located in the Clerk's office.

17 Raymond Annin
18 c/o Richard Such
19 Attorney at Law
20 1120 College Ave. (Upper)
21 Palo Alto, CA 94306

22 Dated: May 12, 2010

23 Richard W. Wieking, Clerk
24 By: LISA R CLARK, Deputy Clerk